Advisory Action

Application no.	Applicant(s)	
08/479,810	BEDNORZ ET AL.	
Examiner	Art Unit	
Mark Kopec	1796	

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Before the Filing of an Appeal Brief	Examiner	Art Unit	
	Mark Kopec	1796	
-The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress
THE REPLY FILED <u>04/19/06 (4th AF)</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FO	R ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:			ice, which FR 41.31: or (3)
a) The period for reply expiresmonths from the mailing	g date of the final rejection.	•	
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing	g date of the final rejecti	on.
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7		E FIRST REPLY WAS F	ILED WITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b)	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply origing than three months after the mailing day.	of the fee. The appropri inally set in the final Offi	iate extension fee ce action: or (2) as
NOTICE OF APPEAL			
2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
AMENDMENTS			
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief,	, will <u>not</u> be entered be	ecause
 (a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE below) 		I E Delow);	
(b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or			
(d) They present additional claims without canceling a	corresponding number of finally rei	ected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).			
4. The amendments are not in compliance with 37 CFR 1.1.	21. See attached Notice of Non-Co	mpliant Amendment ((PTOL-324).
Applicant's reply has overcome the following rejection(s)	·		
8. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).			•
For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:			explanation of
Claim(s) allowed: see Status Paper.			
Claim(s) objected to: Claim(s) rejected: <u>see Status Paper</u> . Claim(s) withdrawn from consideration: 73-76,82,83,377	and 378.		\
AFFIDAVIT OR OTHER EVIDENCE			
B. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).			
The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).			
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER			
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:			
12. ☐ Note the attached information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 13. ☑ Other: See examiner note in Status paper.			
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Application no.	Applicant(s)	
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•	Before the Filing of an Appeal Brief	Examiner	Art Unit	
		Mark Kopec	1796	
	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	70SS
	REPLY FILED 09/13/08 (7th AF) FAILS TO PLACE THIS			
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:				
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have unde set fo may	asions of time may be obtained under 37 CFR 1.138(a). The date been filed is the date for purposes of determining the period of extra 37 CFR 1.17(a) is calculated from: (1) the expiration date of the orth in (b) above, if checked. Any reply received by the Office latereduce any earned patent term adjustment. See 37 CFR 1.704(b) ICE OF APPEAL	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropri	ate extension fee ce action; or (2) as
2. [The Notice of Appeal was filed on A brief in compfiling the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
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3	The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co	but prior to the date of filing a brief, insideration and/or search (see NO)	, will <u>not</u> be entered b TF below):	ecause
	(b) They raise the issue of new matter (see NOTE belo		1 L 00:0W/,	
	(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or			
	(d) They present additional claims without canceling a		ected claims.	
	NOTE: (See 37 CFR 1.116 and 41.33(a)).		49	
	The amendments are not in compliance with 37 CFR 1.1		impliant Amendment ((PTOL-324).
5. Applicant's reply has overcome the following rejection(s): 8. Mewly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the				
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			/Mark Kopec/	
	Tth		Primary Examiner Art Unit: 1796	

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Application No.	Applicant(s)
08/479,810	BEDNORZ ET AL.
Examiner	Art Unit
Mark Kopec	1796

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -THE REPLY FILED <u>09/18/06 (8th AF)</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires ___ __months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MIPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on ____ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). <u>AMENDMENTS</u> 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below): (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. _. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. Tor purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: _ Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76,82,83,377 and 378. **AFFIDAVIT OR OTHER EVIDENCE** 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. Other: Remarks not timely filed. Male /Mark Kopec/ **Primary Examiner** Art Unit: 1796

Application No.	Applicant(s)	
08/479,810	BEDNORZ ET AL.	
Examinar	Art Unit	
Mark Kopec	1788	

-The MAILING DATE of this communication appears on the cover sheat with the correspondence eddress -

THE REPLY FILED <u>11/12/1/15 (BY) AF)</u> FAILS TO PLACE THIS APPLICATION IN CON	
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ume pencas:	•
a) The period for reply expiresmonths from the mailing date of the final rejection	n.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the no event, however, will the statutory period for reply expire later than SDL MONTHS in	em the mailing date of the final rejection.
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Extensions of time may be obtained under 37 CFR 1.196(a). The date on which the position und have been filed is the date for purposes of determining the period of extension and the correspon	er 37 CFR 1.135(a) and the appropriate extension fee
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filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR	to simp sin to authoritorial thinks of (18)? I have seen a
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13. 🖾 Other: Remarks not timely filed.	
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G.th	Primary Examiner Art Unit: 1798

U.S. Patent and Trademark Office

Advisory Action

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08/479,810	BEDNORZ ET AL.	
Examinor	Art Unit	
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Before the Filing of an Appeal Brief -The MAILING DATE of this communication appears on the cover sheet with the correspondence address -THE REPLY FILED <u>11/13/05 (10th AF)</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. 🔲 The rapty was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidevit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires ___ __months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final relaction, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examinar Nota: If box 1 is chacked, chack either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. SOO MPEP 703.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the patition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on _ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see MOTE below); (c) They are not deemed to place the application in batter form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: _____. (See 37 CFR 1.116 and 41.33(a)). 4. 🔲 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): _ 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. Tor purposes of appeal, the proposed amandment(s): a) 🔲 will not be entered, or b) 🔯 will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76,62,83,377 and 378. AFFIDAVIT OR OTHER EVIDENCE 8. 🗌 The affidavit or other evidence filed after a final action, but bafore or on the date of filing a Notice of Acceal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. 🔲 The affidavit or other evidence filed after the date of filing a Motice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Mole the attached Information Disclosure Statement(s). (PTO/S8/08) Paper No(s). 13. X Other: See claim Status Sheet. Anall_

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Mark Kocec/ Primary Examiner Art Unit: 1798

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-The MAILING DATE of this communication appe	an on the cover sheat with the c	omespondence add	iross —
THE REPLY FILED 11/21/03 (12th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
i. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliant time periods:	ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in c	idavit, or other evider xompliance with 37 C	nce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailing	-		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	star than SIX MONTHS from the mailing (b). CXLY CHECK BOX (b) WHEN THE 03.07(7).	g date of the final reject FIRST REPLY WAS F	on. ILED WITHIN
Extensions of time may be obtained under 37 CFR 1.138(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) MOTICE OF APPEAL.	tension and the corresponding emount shortened statutory period for reply origi r than three months after the mailing da	of the fee. The appropr inally set in the final Off	iate extension fee ice action; or (2) as
 The Notice of Appeal was filed on A brief in compfiling the Notice of Appeal (37 CFR 41.37(a)), or any exist a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	evoid dismissal of the	
3. The proposed amendment(s) filed efter a final rejection,	but prior to the date of filing a brief.	will not be entered b	ecause
(a) They raise new issues that would require further co	msideration and/or search (see NO		:
(b) They raise the issue of new matter (see MOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for			
appeal; and/or (d) 🔯 They present additional claims without canceling a	corresponding number of finally rej	ected claims.	:
NOTE: (See 37 CFR 1.116 and 41.33(a)).			
8. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).			
5. Applicant's reply has overcome the following rejection(s): 8. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the			· ·
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 	ilowable if submitted in a separate,	timely filed amendm	ent canceling the
For purposes of appeal, the proposed amendment(s): a) \(\omega\) will not be entered, or b) \(\omega\) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper.			
Claim(s) objected to: Claim(s) rejected: <u>see Status Paper</u> .			
Claim(s) withdrawn from consideration: 73-76,82,83,377	and 378.		
AFFIDAVIT OR OTHER EVIDENCE		leddau af America	el ba entenna
3. The affidavit or other evidence filed after a final action, but bafore or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).			
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appealant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).			
10. 🔲 The affidavit or other evidence is entered. An explanation	on of the status of the claims after e	entry is below or attac	hed.
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:			
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).			
13. 図 Other: <u>See claim Status Sheet</u> .		Marak	
12th		/Mark Kopec/ Primary Examiner Art Unit: 1798	

opposite 100.	where and of
08/479,810	BEDNORZ ET AL.
Exeminar	Art Unitt
Wark Kopec	1788

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED <u>11/25/08 (13th AF)</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. 🔲 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidevit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires _months from the mailing date of the final rejection. b) The pariod for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check editer box (a) or (b), CALY CHECK BOX (b) WKEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. Soo MIPEP 703.07(1). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the patition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed. may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on __ ____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below): (b) They raise the issue of new matter (see NOTE below): (c) 🔀 They are not deemed to place the application in batter form for appeal by materially reducing or simplifying the issues for appeal: and/or (d) $oxtime{oxtime}$ They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: _____. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. 🔀 For purposes of appeal, the proposed amendment(s): a) 🖾 will(not be entered, or b) 🔲 will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper.

Claim(s) withdrawn from consideration: 73-76,82,83,377 and 378.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. 🗌 The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

13. X Other: Not timely filed.

Mark Kopec/ Primary Examiner Art Unit: 1728

PTOL-303 (Rev. 08-06)

13 th

Application No.	Applicant(s)	
08/479,810	BEDNORZ ET AL.	
Examiner	Art Unit	
Ment Kopec	1798	

Advisory Action Bafore the Filling of an Appeal Brief -The MAILING DATE of this communication appears on the cover sheet with the correspondence address -THE REPLY FILED 11/25/03 (14th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. 🔲 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The raply must be filed within one of the following time periods: a) The period for raphy expires_ months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examinar Mota: If box 1 is chacked, chack either box (a) or (b). CMLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. Soo MPEP 703.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the patition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the data for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if charted. Any reply received by the Office later than three months after the mailling date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on _ . A britst in compliance with 37 CFR 41.37 must be filled within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) \square They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below): (c) 🖾 They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal: and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: _____. (See 37 CFR 1.118 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. Tor purposes of appeal, the proposed amandment(s): a) 🖾 will not be detered, or b) 🔲 will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76.82.83.377 and 378. AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The efficient or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. X Other: Not timely filed.

14th

Mark Kopec/ Primary Examiner Art Unit: 1788

Application No.	Applicant(s)
08/479,810	BEDNORZ ET AL.
Examinor	Art Unit
Mark Kopec	1728

Advisory Action Before the Filling of an Appeal Brief —The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 11/27/03 (15th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: The period for raphy empires __ __months from the mailing date of the final rejection. b) The parted for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Evening Note: If box 1 is checked, check exiter box (a) of (b). Oxly Check Box (b) when the first reply was filed within TWO MONTHS OF THE FINAL REJECTION. Soo MPEP 708.07(1). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the patition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the melling date of the final rejection, even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on _ . A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below): (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal: and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: _____. (See 37 CFR 1.118 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. A For purposes of appeal, the proposed amendment(s): a) will/not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76.82.83,377 and 378. AFFIDAVIT OR OTHER EVIDENCE 8. 🗌 The affidavit or other evidence filed after a final action, but before or on the date of filing a Motice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. 🔲 The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. 🗌 The effidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. 🔲 Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _ 13. X Other: Not timely filed. Analle

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Mark Koose/ Primary Examiner Art Unit: 1798